

NOV 08 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Examiner: Zachariah Lucas

Robert B. DICKSON *et al.*

Group Art Unit: 1648

Application No. 09/936,333

Conf. No.: 4097

Filed: March 5, 2002

Title: MATRIPTASE, A SERINE PROTEASE AND ITS APPLICATIONS

November 8, 2005

\* \* \* \* \*

DECLARATION OF BIOLOGICAL DEPOSIT  
IN COMPLIANCE WITH THE BUDAPEST TREATYMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Thomas A. Cawley, Jr., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of the Georgetown University School of Medicine, the assignee of the application.

2. The Georgetown University School of Medicine is the assignee of the above-identified patent application as evidenced by an assignment from the inventors that was recorded in the U.S. Patent and Trademark Office on March 5, 2002, at Reel No. 012770, Frame No. 0529.

3. The following two hybridoma cell lines, described in the specification of the above-identified application, were deposited with the American Type Culture Collection (ATCC), currently located at 10801 University Boulevard, Manassas, VA 20110-2209, on September 28, 2005, under the terms of the Budapest Treaty:

Hybridoma M69 having ATCC Patent Deposit Designation No. PTA-7120, and

30555947v1

U.S. Patent Application No. 09/936,333  
Attorney Ref. No.: 082137-0280655

Hybridoma M123 having ATCC Patent Deposit Designation No. **PTA-7121**.

4. The ATCC is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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Date: November 8, 2005

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**ATCC**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.****To: (Name and Address of Depositor or Attorney)**

Georgetown University  
Attn: Chen-Yong Lin  
3970 Reservoir Road  
Research Building W412  
Washington, DC 20057

**Deposited on Behalf of:** Georgetown University**Identification Reference by Depositor:**

Mouse hybridoma cell line: M69  
Mouse hybridoma cell line: M123

**Patent Deposit Designation**

PTA-7120  
PTA-7121

The deposits were accompanied by: .... a scientific description, a proposed taxonomic description indicated above. The deposits were received September 28, 2005 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:** X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 25, 2005. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: October 29, 2005

cc: Thomas A. Cawley, Jr., PhD  
Docket or Case No.: 0280655 - 09/936,333